

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD J. NICHOLAS,

Plaintiff,

v.

ATTORNEY GENERAL OF PENNSYLVANIA, et al.,

Defendants.

Civil Action No. 06-129 Erie

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on June 1, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 133], filed on August 19, 2008, recommended that the motion to dismiss filed by Defendants Barker, Long and Woodside [Doc. No. 99] be granted and alternatively, the motion to transfer [Doc. No. 99] be denied; the motion to dismiss filed by Defendants Cross, Stewart and Zozos [Doc. No. 104] be granted; and the motion to dismiss filed by Defendants Corbett and Fillipi [Doc. No. 113] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motions and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 8<sup>th</sup> day of September, 2008;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendants Barker, Long and Woodside [Doc. No. 99] is GRANTED and alternatively, the motion to transfer [Doc. No. 99] is DENIED; the motion to dismiss filed by Defendants Cross, Stewart and Zozos [Doc. No. 104] is GRANTED; and the motion to dismiss filed by Defendants Corbett and Fillipi [Doc. No. 113] is GRANTED.

The Report and Recommendation [Doc. No. 133] of Magistrate Judge Baxter,

filed on August 19, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge